

REMARKS

The Office Action dated December 18, 2003 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-19 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 20-43 have been added. Upon entry of this Response, claims 20-43 will be pending in the present application. Claims 20, 32, and 43 are independent claims. Support for the subject matter recited in claims 20-43 may be found in claims 1-19 and throughout the specification of the present application. No new matter has been added. Claims 20-43 are respectfully submitted for consideration.

Rejection of Claims 1-19 Under 35 U.S.C. § 112, Second Paragraph:

Claims 1-19 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that the cancellation of claims 1-19 and addition of claims 20-43 directly address the comments included in the Office Action and render the comments included in the Office Action and render the rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, moot.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Objections to Claims 2-5 and 12-15:

Claims 2-5 and 12-15 have been objected to under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully submits that the cancellation of claims 1-19 and the addition of claims 20-43 directly address the comments included in the Office Action and render the objection to claims 2-5 and 12-15 under 37 CFR § 1.75(c) moot.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the objection to claims 2-5 and 12-15 under 37 CFR § 1.75(c) is respectfully requested.

Rejection of Claims 11-19 Under 35 U.S.C. § 101:

Claims 11-19 have been rejected under 35 U.S.C. § 101 because it had been alleged that the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that the cancellation of claims 11-19 and the addition of claims 20-43 directly address the comments included in the Office Action and render the rejection claims 11-19 under 35 U.S.C. § 101 moot.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the objection to claims 11-19 under 35 § 101 is respectfully requested.

Rejection of Claims 1-8 and 11-18 Under 35 U.S.C. § 102(a):

Claims 1-8 and 11-18 have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,630,101 to Sieffert (Seiffert '101). This rejection is respectfully traversed.

Claim 20, upon which claims 21-31 depend, recites a method of implementing an application and of eliminating uncontrolled internal interdependencies within the application. The application recited in claim 20 includes a number of functional entities, wherein each entity includes one or more elements, and the application produces application output data from input data such that element output data produced by the elements determines entity output data produced by the functional entities and the entity output data determines the application output data. As recited in claim 20, there are interdependencies formed between the elements, between the functional entities, or between the elements and the functional entities. The method includes normalizing an element such that uncontrolled internal interdependencies within the element are eliminated, and such that the input data supplied to the element solely determines element output data produced by the element.

Claim 32, upon which claims 33-42 depend, recites a system for implementing an application and eliminating uncontrolled internal interdependencies within the application. The application includes a number of functional entities, each entity including one or more elements, and the application produces application output data

from input data such that element output data produced by the elements determines entity output data produced by the functional entities and the entity output data determines the application output data. As recited in claim 32, there are interdependencies formed between the elements, between the functional entities, or between the elements and the functional entities. The system recited in claim 32 includes normalizing means for normalizing one or more elements such that uncontrolled internal interdependencies within each element are eliminated, and such that the input data supplied to each element solely determines element output data produced by the element.

Claim 43, recites a system for implementing an application and eliminating uncontrolled internal interdependencies within the application. The application includes a number of functional assemblies, each entity including one or more elements, and the application produces application output data from input data such that element output data produced by the elements determines assembly output data produced by the functional assemblies and the assembly output data determines the application output data. As recited in claim 43, there are interdependencies formed in at least one of between the elements, between the functional assemblies, or between the elements and the functional assemblies. The system recited in claim 43 includes the one or more elements. The system also includes normalizing means for normalizing one or more elements such that uncontrolled internal interdependencies within each element are eliminated, and such that the input data supplied to each element solely determines element output data produced by the element.

Sieffert '101 discloses, as shown at least in the title thereof, communicating image information between imaging devices. Sieffert '101 also discloses a "remote procedure call [that] handles all of the mechanisms necessary for intercomponent communication" (column 13, lines 57-58).

However, Sieffert '101 fails to disclose or suggest at least an application having "uncontrolled internal interdependencies", as recited in claims 20, 32, and 43 of the present application. Sieffert '101 also fails to disclose or suggest at least an application producing application output data from input data such that element output data produced by elements that are included within the application determines entity output data produced by functional entities that are also included within the application and that also include the elements, wherein the entity output data determines the application output data, as recited in claims 20, 32, and 43 of the present application.

In addition to the above, Sieffert' 101 further fails to disclose or suggest at least normalizing an element such that uncontrolled internal interdependencies with the element are eliminated, as recited in claims 20, 32, and 43 of the present application. Even further, Applicant respectfully submits that Sieffert '101 fails to disclose or suggest at least normalizing an element such that input data supplied to the element solely determines element output data produced by the element, as recited in claims 20, 32, and 43 of the present application.

The concept of "internal interdependency" of different parts in the design, production, and management of industrial apparatus, projects, processes, and software is

described on lines 9-36 of page 1 of the specification of the present application. Applicant respectfully submits that such internal interdependency refers generally to a situation in which an entity includes parts which depend upon each other such that a change in one part causes a change in one or more of the other parts. In other words, in the above-described entity, internal interdependencies exist between the parts thereof.

In entities having internal interdependencies between the parts thereof, if, for any reason, a change in one part causes an unpredictable change in another part, the internal interdependency between the two parts is said to be “uncontrolled”. Applicant respectfully submits that Sieffert ‘101 fails to disclose or suggest at least such “uncontrolled internal interdependencies”, which are recited in claims 20, 32, and 43 of the present application.

Rather, Applicant respectfully submits that Sieffert ‘101 merely describes, for example, on lines 48-67 of column 13 thereof, operation of a typical remote procedure call. Hence, Applicant respectfully further submits that no internal interdependencies within an application are either disclosed or suggested in Sieffert ‘101, uncontrolled or otherwise.

At least in view of the above, Applicant respectfully submits that Sieffert ‘101 fails to disclose or suggest the subject matter recited in claims 20, 32, and 43 of the present application. Therefore, Applicant further submits that claims 20, 32, and 43 are patentable over Sieffert ‘101 at least for the reasons discussed above.

As mentioned above, claims 21-31 and 32-42 all depend, either directly or indirectly, upon either claim 20 or 32 and thereby inherit all of the patentable distinctions thereof. Hence, Applicant respectfully submits that claims 21-31 and 22-42 are patentable over Sieffert '101 at least for the reasons discussed above in connection with claims 20 and 32.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 1-8 and 11-18 under 35 U.S.C. § 102(a) as being anticipated by Sieffert '101 is respectfully requested.

Rejection of Claims 9 and 19 Under 35 U.S.C. § 103 (a):

Claims 9 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sieffert '101 in view of U.S. Patent No. 6,208,954 B1 to Houtchens (Houtchens '954). Although it is acknowledged in the Office Action that Sieffert '101 fails to disclose that a normalized element can be executed repeatedly, it is alleged in the Office Action that such repeated execution is disclosed in Houtchens '954 and that the combination of Houtchens '954 and Sieffert '101 produces the subject matter recited in claims 9 and 19 of the present application. This rejection is respectfully traversed.

Houtchens '954 discloses, at least in the title thereof, a "method for scheduling event sequences". Houtchens '954 also discloses "a simulation system comprising at least two subsystems simulators" (column 1, lines 39-40).

However, Houtchens '954 fails to eliminate any of the above-discussed shortcomings of Sieffert '101. Hence, Applicant respectfully submits that Sieffert '101 and Houtchens '954, taken either individually or in combination, fail to disclose the subject matter recited in the claimed invention.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 9 and 19 under 35 U.S.C. § 103(a) over Sieffert '101 in view of Houtchens '954 is respectfully requested.

Rejection of Claim 10 Under 35 U.S.C. § 103(a):

Claim 10 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sieffert '101 in view of U.S. Patent No. 5,870,460 to Litzenberger (Litzenberger '460). Although it is acknowledged in the Office Action that Seiffert '101 fails to disclose that the application is a telephone exchange software application in a mobile communication system. It is alleged in the Office Action that Litzenberger '460 discloses such an application and that the combination of Sieffert '101 and Litzenberger '460 produces the subject matter recited in claim 10 of the present application. This rejection is respectfully traversed.

Litzenberger '460 discloses, at least in the title thereof, a "system for least cost routing of data transactions in a telecommunications network". Litzenberger '460, in the Abstract thereof, also discloses a "system [that] allocates data links between a switch and a database for data transactions in a telecommunications network".

However, Litzenberger '460 fails to eliminate any of the above-discussed shortcomings of Sieffert '101. Hence, Applicant respectfully submits that Sieffert '101 and Litzenberger '460, taken either individually or in combination, fail to disclose or suggest the subject matter of the claimed invention.


At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claim 10 under 35 U.S.C. 103(a) over Sieffert '101 in view of Litzenberger '460 is respectfully requested.

Applicant respectfully submits that all of the comments included in the Office Action have been addressed and that all of the objections and rejections included in the Office Action have been overcome. Hence, Applicant respectfully further submits that, at least in view of the above, claims 20-43 of the present application contain allowable subject matter. Therefore, it is respectfully requested that all claims pending in the present application be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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